

SENATE—Wednesday, December 6, 2000*(Legislative day of Friday, September 22, 2000)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Your intervention in trying times in the past has made us experienced optimists for the future. Our confidence is rooted in Your reliability. You are with us; therefore we will not fear. Your commandments give us Your absolutes; therefore we will not waver. You call us to obey You as well as love You; therefore we will not compromise our convictions. You will give us strength and courage for each challenge; therefore we will not be anxious. You have called us to glorify You with our work; therefore we will seek to do everything for thy Son. You have inspired us to be merciful as You are merciful; therefore we will restrain from condemnatory judgments. You have helped our Nation through contentious times of discord and disunity in the past; therefore we ask for Your help in these days as we wait for final resolution of the Presidential election.

Grant the Senators a special empowering of Your Spirit today. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 11 a.m. with Senators HAGEL and DURBIN in control of the time. Following morning business, the Senate will begin postcloture debate on the bankruptcy conference report, with a vote scheduled to occur tomorrow at 4 p.m., or earlier if any of the remaining debate time is yielded back.

It is still hoped that the remaining business of the Congress can be completed this week, and therefore additional votes can be expected. I thank my colleagues for their attention.

Mr. REID. If the Senator will yield, I appreciate very much especially the last phrase of his statement. I believe it is very important for the American public, the people from Nebraska, and the people from Nevada, that we try to complete our work as quickly as possible, without a lot of dissension. There was a tremendous amount of work put into the various appropriations bills—the balanced budget add-on and other things we did prior to leaving here that we almost had completed. I hope we can join together and finish that as quickly as possible and not leave any undone work for the new Congress and President.

I was happy to hear the acting leader indicate that we were going to try to finish the business we have now pending before the Congress. I think it will send a very good message to the American public if we can work together, as I believe we are going to have to do with the next Congress. Thank you.

Mr. HAGEL. I thank the Senator. That is the intent of the leadership. Both leaders are working their way through this, and we are all hopeful that will produce some tangible, productive results. Thank you.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, leadership time is reserved.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. is under the control of the Senator from Nebraska.

TRIBUTE TO ELEVEN DEPARTING SENATORS

Mr. HAGEL. Mr. President, I rise this morning to reflect on the service of our 11 colleagues who will be completing their Senate service in the next few days. Hugh Sidey, one of the great journalists and political observers of our time, who covered eight Presidents and became well acquainted with those Presidents, once said that “politics, after all is said and done, is the business of belief and enthusiasm. Hope energizes, doubt destroys. Hopelessness is

not our heritage.” So said Mr. Sidey. Aside from the fact that he has Nebraska roots, which I suspect reflects some element of his good judgment, he is right.

As we reflect on the service of these 11 individuals who will be leaving this institution, the one common denominator that anchored the 11 was commitment to something bigger than themselves: service to this country. The 11 individuals reflect our society, as does this body, from the States they represented, to their backgrounds, to their commitments. That, too, represented what may be this country’s greatest strength and that is its diversity.

As TOM DASCHLE mentioned last night at the Supreme Court dinner, in the history of this institution, only 1,853 men and women have ever served here. Now, we will increase that number on January 3. But the 11 colleagues and friends who leave this institution are among those 1,853 individuals who have served and are now serving.

I think it is worthy to bring some note to these 11 individuals. They have been honored and recognized throughout this year, and very appropriately so, individually by many Members of this body, but I wish, in the few minutes I have, to maybe tie some more general themes together about why these 11 men have been so important together to this body.

We begin by asking the question: Who are these 11 bold, different, distinguished citizens?

Well, first, they are from all parts of the country. They are of different religions. They are fathers, husbands, brothers, uncles, and grandfathers. Scattered among these 11, of course, are Republicans and Democrats, maybe liberals, maybe some conservatives, and maybe some moderates.

As we look further, we find the veterans—World War II veterans, Vietnam war veterans. One among them is my friend and colleague from Nebraska, Senator BOB KERREY, who holds the Congressional Medal of Honor.

We have war heroes and veterans among these 11. We have former Governors, former attorneys general, ambassadors, businessmen, journalists, lawyers, and bankers—all representing the fiber of this country, all representing the different universes of this country that tie us together as a nation. Surely among the 11 is one of the preeminent public servants of our time, Senator MOYNIHAN from New York.

At a time when the world peers in the large window of the front room of

American politics—in some cases they may be bewildered by what they are seeing in this country, that we can't seem to elect a President—it is even more important that we spend some time reflecting on these 11 individuals because, as we know, this country will produce a President. That President will govern. That President will be effective. And the institution of the U.S. Senate will be very much a part of assisting that President in governing this country, which has immense consequences for the world.

If there is a question about unsteadiness in this country or our institutions, again we need only reference the 11 Senators who will be leaving this body because there was nothing unsteady about these 11 individuals. They were anchored to a Constitution that has been the roadmap for this great country for over 200 years, and that has ensured the liberties, the privileges, and the rights that these 11 individuals fought for, debated over, and made stronger.

These 11 Senators brought unique experience and perspectives. They applied those in their own ways and in their own individual styles, which again has added to the richness of the culture of this institution and reflects the richness and the culture of this country. Every new Senator we bring on and every Senator who leaves has had a part in stitching the fabric—and continues to stitch the fabric—of this country.

At a time when we question the institutional structures, the procedures and the processes, we must not forget that it is the individual that has made this country what it is. De Tocqueville wrote about it in the mid-19th century. When he observed America and wrote at that point the most authoritative document on America, he said the most amazing thing about America was the magic of America. He said it was the individual. It was individual commitment. It was freedom. That was the magic of America.

Arnold Toynbee, who probably wrote the most definitive book on the civilization of mankind as he documented the 21 civilizations of the world, wrote that each civilization begins with a challenge and a response.

Surely, as we reflect on these 11 Senators, each of their lives is a remarkable story. Each has been, as Toynbee wrote in his study of history, a challenge and response. That is what representative government is about. But it cannot function without the individual commitment of people such as these 11 distinguished Americans who leave this body.

Yes, they helped chart a course for this country. And, yes, they helped fulfill the destiny of this country. Yes, they understood exactly what Hugh Sidey said—that hopelessness is not our heritage. They understood that as

well as any 11 people in the history of this country.

But they did something equally remarkable in that they inspired others.

I suspect, as you go across those 11 States represented by these 11 Senators, and go into schools and talk to teachers and young men and women who watched PAT MOYNIHAN, BOB KERREY, FRANK LAUTENBERG, and CONNIE MACK, they would have a story. They would have some dynamic to their personal lives that somehow would be tied back to leadership and the inspiration of one of these 11 Senators. In the end, that is our highest obligation in public service. In the end, that is the most important thing we can do.

Not just for the RECORD but because it is important that we hear the list of these names, I would like to read the list of these 11 Senators:

Senator SPENCE ABRAHAM from Michigan;

Senator JOHN ASHCROFT from Missouri;

Senator RICHARD BRYAN from Nevada;

Senator SLADE GORTON from Washington;

Senator ROD GRAMS from Minnesota;

Senator BOB KERREY from Nebraska;

Senator FRANK LAUTENBERG from New Jersey;

Senator CONNIE MACK from Florida;

Senator DANIEL PATRICK MOYNIHAN from New York;

Senator CHUCK ROBB from Virginia;

And Senator BILL ROTH from Delaware.

They have accomplished, each in their own way but, more importantly, together as part of this institution, a remarkable number of things in their careers. Many will go on and do other things. All will stay active. All will stay committed to this country.

What they have done, for which we all are grateful and for which America is grateful, deserves immense recognition; that is, they leave this great institution stronger and better because of their service. Therefore, they leave America stronger and better because of their service.

Mr. President, thank you for allowing me some time to talk about our colleagues whom all of us will miss.

I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABOLISH THE ELECTORAL COLLEGE

Mr. DURBIN. Mr. President, 5 weeks ago, on November 1, I held a news con-

ference with my colleague from Illinois, Congressman RAY LAHOOD, on the subject of the electoral college. I always preface my remarks on this issue by reminding people that that was before the November 7 election.

In 1993, I had introduced legislation with Congressman GERALD KLECZKA, of Wisconsin, as a Member of the House, to abolish the electoral college. Congressman LAHOOD and I came forward on November 1 of this year and made the same recommendation before the election on November 7. So what I am about to say and what I am about to propose, really, although it is going to take into account what happened in our last election, is motivated by a belief that the underlying mechanism in America for choosing the President of the United States is flawed and should be changed.

On that day, November 1, I came to the floor of the Senate to explain why I thought the Constitution should be amended to replace the electoral college with a system to directly elect our President. One week after the press conference, the American people went to the polls to express their will. It is worth pausing to realize that we are living through an extraordinary election, the closest by far in more than a century. As we await the outcome, it is important to remember that soon our country will have a new President. I am confident that our great Nation will successfully navigate the difficulties of this historic election. I am concerned, however, at the loss of confidence of the American voters in the system we know as the electoral college.

If we do nothing else over the next year, let's commit to improve and reform the way we elect leaders in America. There are three critical areas of election system reform that I think we should address. The first is campaign financing. I certainly support the McCain-Feingold bipartisan approach to cleaning up the way we pay for campaigns. The second is the mechanisms of the voting process. My colleagues, Senator SCHUMER of New York and Senator BROWNBACK of Kansas, have suggested we put some money on the table for States and localities that want to put in more efficient and more accurate voting machinery. I think that is a good idea. And, of course, the third is changing the electoral college. Today I will discuss replacing that system with a direct popular vote for President.

For those who want to defend the current electoral college system, I want to ask, What are the philosophical underpinnings that lie at its foundation? I submit there are none. Instead, the electoral college was a contrived institution, created to appeal to a majority of the delegates to the Constitutional Convention in 1787, who were divided by the issue of Federal